



**GOVERNOR'S OFFICE OF EMERGENCY SERVICES**  
**LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
(916) 324-9142  
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April 15, 2008

TO: VERTICAL PROSECUTION BLOCK GRANT PROGRAM  
PROJECT DIRECTORS

SUBJECT: REQUEST FOR APPLICATION (RFA)

The Governor's Office of Emergency Services (OES) is pleased to announce the release of the RFA for the Vertical Prosecution Block Grant Program.

The total amount available for the Vertical Prosecution Program through State General Funds in State Fiscal Year (SFY) 2008/09 is anticipated to be \$14,558,400. This amount reflects the anticipated 10% reduction in State General Funds for the 2008/2009 State budget. The grant award period will be for 12 months beginning July 1, 2008 and ending June 30, 2009. Please note continuation funding is contingent on the availability of State General Funds and the passing of the SFY 08/09 State budget. All applicants must have previous successful project performance, and compliance with the grant award agreement.

To be considered for continuation funding, applicants must complete the enclosed materials and submit them no later than **Friday, May 23, 2008**.

A copy of the RFA can be obtained from the OES website at [www.oes.ca.gov](http://www.oes.ca.gov) by following these steps: select OES Divisions and Regions, Law Enforcement and Victim Services Division, RFA Funding Information.

Applications must be postmarked by **Friday, May 23, 2008** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Crime Suppression Section – VP Application

Should you need assistance with this application, please contact Stacy Mason-Vegna, Chief, Crime Suppression Section, via e-mail at [Stacy.Mason-Vegna@oes.ca.gov](mailto:Stacy.Mason-Vegna@oes.ca.gov), or by telephone at (916) 324-9142.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacy Mason-Vegna'.

MASON-VEGNA, Chief  
Crime Suppression Section

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION  
VERTICAL PROSECUTION (VP) BLOCK GRANT PROGRAM  
REQUEST FOR APPLICATION**

**TABLE OF CONTENTS**

[Printable Version](#)

**I. RFA INFORMATION**

A.	INTRODUCTION .....	1
B.	CONTACT INFORMATION .....	1
C.	APPLICATION DUE DATE .....	1
D.	ELIGIBILITY .....	2
E.	FUNDS .....	2
F.	PROGRAM INFORMATION .....	2
1.	Vertical Prosecution Overview .....	2
2.	Administrative Authority .....	2
G.	PREPARING AN APPLICATION .....	11

**II. INSTRUCTIONS**

A.	<b>PROJECT NARRATIVE</b> .....	12
1.	Problem Statement .....	12
2.	Plan and Implementation .....	13
B.	<b>PROJECT BUDGET</b> .....	15
1.	Budget Narrative .....	15
2.	Specific Budget Categories .....	15
C.	<b>APPLICATION APPENDIX</b> .....	17
D.	<b>FUNDING ALLOCATION</b> .....	18

### III. ADDITIONAL INFORMATION

A.	FINALIZING THE GRANT AWARD AGREEMENT .....	21
1.	Standard Project Funding Authority .....	21
2.	Processing Grant Awards .....	21
B.	ADMINISTRATIVE REQUIREMENTS .....	22
1.	The <i>Recipient Handbook</i> .....	22
2.	Internet Access .....	22
3.	Progress Reports and Data Collection .....	22
4.	Monthly/Quarterly Report of Expenditures and Request for Funds (OES 201) .....	22
5.	Technical Assistance/Site Visits .....	22
6.	Monitoring Requirements .....	23
7.	Audit Requirements .....	23
8.	Copyrights, Rights in Data and Patents .....	23
9.	Source Documentation .....	23
C.	BUDGET POLICY .....	23
1.	Supplanting Prohibited .....	23
2.	Contracts and Procurement .....	23
3.	Travel Policies .....	24
4.	Participating Staff .....	25
5.	Consultant Services .....	25
6.	Facility Rental .....	26
7.	Rented or Leased Equipment .....	27
8.	Indirect Costs/Administrative Overhead .....	27
9.	Audits .....	27
10.	Equipment .....	27
11.	Prohibited Expense Items .....	28
D.	GLOSSARY .....	30

- IV. **FORMS** –Click on one of the form links below to access the form. Save the form to your hard drive before you attempt to fill it out. To access the complete list of forms on our website click on (**FORMS**), **or** go to [www.oes.ca.gov](http://www.oes.ca.gov) and select “Forms”, **or** paste the following link into your browser: **[www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm](http://www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm)**

[APPLICATION CHECKLIST AND REQUIRED SEQUENCE](#)

[APPLICATION COVER SHEET](#)

[GRANT AWARD FACE SHEET AND INSTRUCTIONS](#)

[PROJECT CONTACT INSTRUCTIONS AND INFORMATION](#)

[CERTIFICATION OF ASSURANCE OF COMPLIANCE](#)

[SIGNATURE AUTHORIZATION AND INSTRUCTIONS](#)

[PROJECT NARRATIVE](#)

[APPLICATION BUDGET – BUDGET NARRATIVE](#)

[BUDGET FORMS \(Excel spreadsheet format\) – b. Without Match](#)

Personal Services – Salaries/Employee Benefits

Operating Expenses

Equipment

[PROJECT SUMMARY](#)

[OUT OF STATE TRAVEL REQUEST](#)

[PROJECT SERVICE AREA INFORMATION](#)

[COMPUTER AND AUTOMATED SYSTEMS PURCHASE JUSTIFICATION](#)

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VERTICAL PROSECUTION (VP) BLOCK GRANT PROGRAM  
REQUEST FOR APPLICATION**

**PART I – INFORMATION**

**A. INTRODUCTION**

This Request for Application (RFA) provides the information and forms necessary to prepare an application for the Governor's Office of Emergency Services (OES) grant funds. The terms and conditions described in this RFA supersede previous RFAs and conflicting provisions stated in the *Recipient Handbook*. The *Recipient Handbook* provides helpful information for developing the application and can be accessed at the website [www.oes.ca.gov](http://www.oes.ca.gov) by selecting "Recipient Handbooks."

**B. CONTACT INFORMATION**

Questions concerning this RFA, the application process, or programmatic issues should be submitted to the below contact person by telephone, fax, or e-mail.

Stacy Mason-Vegna, telephone (916) 324-9142, fax (916) 323-1756,  
[stacy.mason-vegna@oes.ca.gov](mailto:stacy.mason-vegna@oes.ca.gov)

**C. APPLICATION DUE DATE AND SUBMISSION OPTIONS**

***One original and one copy*** of the application must be delivered to OES' Law Enforcement and Victim Services Division by the date and time indicated below. Submission options are:

1. Regular and Overnight mail, **postmarked by Friday, May 23, 2008** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: VP Program, Crime Suppression Section

2. Hand delivered by **5:00 p.m. on Friday, May 23, 2008** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: VP Program, Crime Suppression Section

## **D. ELIGIBILITY**

To be eligible for funding in the Vertical Prosecution Block (VP) Program, the applicant must be a County District Attorney's Office in California. Grant Recipients desiring to submit late applications MUST provide a written request for an extension thirty days before the application due date indicated above. OES reserves the right to reallocate funds of grantee agencies that fail to obtain a written extension within the thirty-day grace period.

## **E. FUNDS**

OES anticipates a total of \$14,558,400 will be made available from the State General Fund for the VP Program during FY 2008/09. This funding amount reflects the 10% reduction in State General Funds for the anticipated 2008/09 State budget year. Funding for subsequent years is subject to continued appropriation in the state budget and satisfactory performance in meeting program intent. Participating counties must budget funds for a twelve (12) month grant period, beginning July 1, 2008 and ending June 30, 2009. The chart on pages 18, 19 and 20 outlines the non-competitive funding levels available for distribution during FY 2008/09 as stated in the application appendix – Section II, C.

## **F. PROGRAM INFORMATION**

The California State Budget Act of 2003/04 combined the five general funded Vertical Prosecution Programs administered through OES into one Block Program with five designated components. Each component is consistent with one of the five combined programs: Child Abuse Vertical Prosecution (CAVP) Program; Statutory Rape Vertical Prosecution (SRVP) Program; Elder Abuse Vertical Prosecution (EAVP) Program; Major Narcotic Vendor Prosecution (MNVP) Program; and Career Criminal Prosecution (CCP) Program. In order to receive funding under the new VP Program, counties must choose to prosecute crimes defined within one or more of the five program components.

### **1. Vertical Prosecution Overview**

Vertical prosecution is a proven program model, which involves the use of highly experienced and skilled prosecutors who prosecute a reduced caseload of specific types of serious criminal cases from the filing of the case through sentencing. As resources allow, it is recommended a vertical prosecution team consist of a prosecutor, experienced investigator, and an advocate working in conjunction with each other.

### **2. Administrative Authority**

The California State Budget Act of 2003/04 initially authorized the VP Program. Within the VBP Program, individual components are governed by legislative mandates as summarized below:

#### **a. CAVP Program**

The CAVP Program was authorized by Assembly Bill (AB) 33 (Chapter 1097 of the Statute of 1985). The current statute is reflected in Title VI, Part 2 of the California Penal Code (PC), Chapter 2.4, Sections (§) 999q to 999y. Legislation was chaptered August 31, 2001 (AB 929) expanding the scope of the CAVP Program to include all types of abuse, not just sexual.

August 31, 2001 (AB 929) expanding the scope of the CAVP Program to include all types of abuse, not just sexual.

**b. EAVP Program**

Prior to being folded into the VP Program, the EAVP Program was established as a stand-alone program by the California State Budget Act of 1999/00. The crimes acceptable for prosecution under the EAVP Program are defined in California PC §368.

**c. MNVP Program**

Senate Bill (SB) 1982, (Chapter 1424, Statutes of 1984) added Chapter 9 to Title 6, Part 4, of the California Penal Code. Chapter 9, titled California MNVP Law, was effective September 26, 1984. The Chapter was amended by AB 2313, (Chapter 306, Statutes of 1987), to recognize the need to financially assist small counties (population under 200,000) in meeting the criminal justice needs associated with the production, distribution and sale of illegal drugs.

Chapter 9 includes Health and Safety (H&S) Code §13880 to 13884. The Legislature declared that the production and sale of narcotics is a consistent problem in California. It stated that substantial and disproportionate amounts of serious crime are associated with the cultivation, processing, manufacturing and sale of narcotics. The law was established to "support intensified efforts by district attorneys' offices to prosecute drug producers and sellers through organizational and operational techniques that have been proven effective..."

**d. CCP Program**

In 1977, the Governor of California signed into law Chapter 1151, Statutes of 1977, establishing the CCP Program in accordance with PC §999b to 999h.

**e. SRVP Program**

Prior to being folded into the VP Program, the SRVP Program was established as a stand-alone program by the California State Budget Act of 1996/97. The crimes acceptable for prosecution under the SRVP Program are defined in California PC §261.5.

**VB Program Requirements**

**a. Vertical Prosecution**

The project will perform vertical prosecution, whereby the prosecutor (or unit) who makes the initial filing or appearance in a case accepted by the vertical prosecution unit, makes all subsequent court appearances on that particular case through its conclusion, including sentencing.

To allow for the realities of case management such as scheduling conflicts, illness and extraordinary events, OES recognizes three degrees of vertical prosecution as follows:

- True Vertical Prosecution: The same prosecutor filed the charges, **or** made the first appearance, after the crime was identified as a project appropriate offense, **and** made all subsequent court appearances through the sentencing stage.
- Major Stage Vertical Prosecution: The same prosecutor that filed the charges, **or** made the first appearance, after the crime was identified as a project appropriate offense, makes all subsequent major appearances through the sentencing stage. Major stages include: preliminary hearing; trial; sentencing; and all significant appearances, such as contested motions affecting bail; admissibility of evidence; dismissal of charges; change of venue; motions to sever or consolidate; discovery; set-aside the verdict; or motions concerning search warrants.
- Unit Vertical Prosecution: Based upon extraordinary circumstances such as: court conflicts; scheduling conflicts requiring appearances at two (2) or more places at one time; geographic location of hearing; illness; or absence due to unavoidable circumstances; the principal prosecutor (prosecutor who filed the charges, **or** made the first appearance, after the crime was identified as a project appropriate offense) is assisted by no more than one other unit attorney. A back-up attorney may be designated for the grant award period.

**b. Highly Qualified Prosecutors and Investigators**

The assignment of highly qualified prosecutors and investigators to vertical prosecution cases:

The Legislature has defined “highly qualified” as persons with at least one year of experience in the prosecution, or as appropriate, investigation of felonies, or those who have been selected to receive specified training, or individuals who have attended equivalent training approved by OES.

OES requires projects to establish a personnel rotational policy for vertical prosecution staff, which demonstrates a commitment to stability and continuity of staff assignments. OES further requires vertical prosecution staff be assigned exclusively to a minimum of one of the five program components. Positions may be split funded with duties other than one of the five program component areas, only when grant funds are insufficient to support full-time staff positions.

**c. Reduction in Caseload**

A significant reduction in caseload for prosecutors and investigators assigned to vertical prosecution cases:

OES requires each funded District Attorney's Office develop a written policy regarding appropriate caseload levels for prosecutors and investigators assigned to a vertical prosecution unit. This policy must address the caseload level, a caseload comparison between vertical prosecution unit prosecutors and investigators, and felony non-unit prosecutors and investigators, as well as how cases beyond established levels will be prosecuted.



#### **d. Policies for Vertical Prosecution Units**

Each District Attorney's office establishing a vertical prosecution unit(s) and receiving state support under this chapter, shall adopt and pursue the following policies:

- 1) All reasonable prosecutorial efforts will be made to resist the pretrial release of a charged defendant meeting program priority selection criteria.
- 2) Nothing in this chapter shall be construed to limit the application of diversion programs authorized by law. All reasonable efforts shall be made to utilize diversion alternatives in appropriate cases.
- 3) All reasonable prosecutorial efforts will be made to reduce the time between arrest and disposition of charges against an individual meeting program priority criterion.

OES requires all policies developed in conjunction with the foregoing principles be in writing and available to unit staff and OES. These policies should be reviewed periodically to ensure they reflect current concepts and applicability. The existence and evaluation of the current written policy regarding the foregoing will be considered when determining compliance with these objectives.

### **VERTICAL PROSECUTION COMPONENT SPECIFIC REQUIREMENTS**

#### **1. CAVP Component**

The CAVP Program was authorized by AB 33 (Chapter 1097 of the Statutes of 1985). The current statute is reflected in Title VI, Part 2 of the California Penal Code, Chapter 2.4, §999q through §999y. Legislation was chaptered August 31, 2001 (AB 929) expanding the scope of the CAVP Program to include all types of abuse, not just sexual.

Each District Attorney's office establishing a CAVP unit shall concentrate prosecution efforts and resources upon individuals identified under selection criteria set forth in PC §999t.

#### **a. Subjects of CAVP Efforts (PC §999t)**

An individual is subject to prosecution under PC §999t, subdivision (a), if he/she is charged with felony assault of a child under the age of 18 years, and is being prosecuted for one or more of the following violations:

- the sexual abuse of a child as defined in PC §11165 *et seq.*;
- endangering a child or causing or permitting a child to suffer physical pain, mental suffering, or injury as defined in PC §273a, subdivisions (a) and (b);
- assault resulting in death of a child under eight years of age as defined in PC §273ab;
- infliction of corporal punishment or injury on a child resulting in a traumatic condition as defined in PC §273d; or
- sending harmful matter to a minor by telephone messages, electronic mail, Internet or commercial online service as defined in PC §288.2 when committed in conjunction with any other violation listed above.

The CAVP Advisory Group recommended additional charges to fulfill the intent of the CAVP Program. These charges included assault with intent to rape (PC §220), sexual battery (PC §243.4), aggravated assault on a child (PC §269), and violation of probation.

In applying the child abuse selection criteria set forth above:

- 1) A District Attorney may elect to limit child abuse prosecution efforts to persons arrested for any one or more of the offenses described in subdivision (a) if crime statistics demonstrate that the incidence of one or more offenses presents a particularly serious problem in the county;
- 2) A District Attorney shall not reject cases for filing exclusively on the basis that there is a family or personal relationship between the victim and the alleged offender.

**b. Prosecution Discretion (PC §999v)**

In exercising the prosecutorial discretion granted by PC §999v, the District Attorney shall consider the character, the background, and the prior criminal background of the defendant.

**c. Coordination**

Coordination, referral, and training with local community agencies providing services to victims of crime, such as rape counseling and child abuse programs are required for CAVP units. CAVP units are legislatively required to participate and hold membership in local task forces established to improve communication between criminal justice and community service agencies. Projects choosing this component must inform OES if their county has a protocol for the investigation of child abuse and neglect cases, and if not, when they anticipate the protocol to be completed.

**d. Departure from Selection Criteria Under Extraordinary Circumstances (PC §999v)**

The selection criteria set forth in PC §999t shall be adhered to for each child abuse case unless, in the reasonable exercise of the prosecutor's discretion, extraordinary circumstances require departure from such policies in order to promote the general purposes and intent of this chapter.

**2. CCP Component**

The goal of the CCP component is to support increased efforts by District Attorney's offices to prosecute career criminals through organizational and operational techniques that have been proven to be effective. The current statutes are reflected in PC §999b - 999g.

**a. Subjects of CCP Efforts**

Persons subject to career criminal prosecution efforts are defined in PC §999e as individuals under arrest for the commission or attempted commission of one or more of the following felonies:

- robbery;
- burglary;

- arson;
- any unlawful act relating to controlled substances in violation of H&S Code §11351, §11351.5, §11352, or §11378;
- receiving stolen property;
- grand theft;
- grand theft auto;
- lewd or lascivious conduct upon a child;
- carjacking;
- murder;
- manslaughter;
- rape;
- sexual assault;
- child molestation;
- assault with a firearm;
- discharging a firearm into an inhabited structure or vehicle; or
- owning, possessing or having custody or control of a firearm; as specified in subdivisions (a) and (b) of PC §12021; and who is either being prosecuted for three or more separate offenses not arising out of the same transaction involving one or more of those felonies, or meets the criteria in (1) or (2) below.

The charged individual has at least **one** conviction during the preceding ten years for any felony listed below:

- robbery of the first degree;
- carjacking;
- burglary of the first degree;
- arson as defined in PC §451;
- unlawfully causing a fire as defined in PC §452;
- forcible rape;
- sodomy or oral copulation committed with force;
- lewd or lascivious conduct committed upon a child;
- kidnapping as defined in PC §209 or §209.5;
- murder; or
- manslaughter.

The charged individual has at least **two** convictions during the preceding ten years for any felony listed below:

- grand theft;
- grand theft auto;
- receiving stolen property;
- robbery of the second degree;
- burglary of the second degree;
- kidnapping as defined in PC §207;
- assault with a deadly weapon, or instrument; or
- any unlawful act relating to controlled substances in violation of H&S Code §11351 or §11352.

The ten-year period specified above should be exclusive of any time, which the arrested person has served in state prison.

In applying the career criminal selection criteria set forth above:

A District Attorney may elect to limit career criminal prosecution efforts to persons arrested for any one or more of the felonies listed in subdivision (a) of this section if crime statistics demonstrate that the incidence of one or more of these felonies presents a particularly serious problem in the county.

**b. Prosecution Discretion [PC §999(e)]**

In exercising the prosecutorial discretion granted by §999g, the District Attorney shall consider the character, background, and prior criminal background of the defendant, and the number and the seriousness of the offenses currently charged against the defendant.

**c. Departure from Selection Criteria Under Extraordinary Circumstances (PC §999g)**

The selection criteria set forth in §999e shall be adhered to for each career criminal case unless, in the reasonable exercise of the prosecutor's discretion, extraordinary circumstances require the departure from such policies in order to promote the general purposes and intent of this chapter.

**3. EAVP Component**

The purpose of the EAVP component is to enhance or create specialized units to handle serious crimes against elderly and dependent adults, as defined in the Elder Abuse Statute, PC §368 and related statutes. Projects may fund part-time or full-time qualified deputy district attorneys and district attorney investigators to support this component purpose. Projects may also fully or partially fund positions contracted from other related agencies, such as Adult Protective Services.

This component emphasizes the vertical prosecution of all cases of elder and dependent adult victimization. Vertical prosecution increases the quality of the case, and results in the victim not having to revisit the pain and suffering as they tell their story to a series of prosecutors; it gives the victim the comfort of knowing whom to call in case of a problem, and also benefits prosecutors as they develop a rapport with, and the trust of, the victim.

**a. Subjects of EAVP Efforts**

PC §368 defines elder abuse as any willful act perpetrated against a person 65 years of age or older, or a dependent adult between the ages of 18 and 64 who has incapacitating physical or mental limitations, in which the elder or dependent adult is subjected to physical pain or mental suffering, or is knowingly permitted to suffer such that his or her person or health is endangered. This includes financial exploitation or fiduciary abuse by a caregiver or person in a position of trust.

The EAVP units receiving funds under this component shall concentrate prosecution efforts and resources on individuals that are accused of serious crimes against the elderly or dependent adults as defined in PC §368 and related statutes. Grant funded prosecutors and investigators must be exclusively assigned to prosecute violations of PC §368 and related statutes.

## **b. Coordination**

If the project chooses to prosecute elder abuse and dependent adult cases, they must obtain a current, signed Operational Agreement (OA) with the OES funded Victim/Witness Assistance Program, and if applicable, the Special Emphasis/Special Victims Program and the Elder Abuse Advocacy and Outreach Program in their county. The project is also encouraged to seek OAs with other agencies which may provide services focused on elder abuse advocacy and outreach, such as the county Adult Protective Services Agency.

Projects must actively and regularly participate in their city's or county's elder abuse interagency task force. Documentation of participation must be kept by the project; meeting minutes identifying participants is the best method of documentation.

## **4. MNVP Component**

The purpose of the MNVP component is to support increased efforts by county district attorney's offices to successfully prosecute and convict major drug offenders who commit serious felony violations of the California H&S and select PC sections, see PC §13880 - 13884. The purpose is further served by reducing major illegal drug activity by incapacitating offenders through confinement.

### **a. Subjects of MNVP Efforts**

An individual may be the subject of the major narcotic vendor prosecution who is under arrest for the commission or attempted commission of one or more felonies relating to controlled substances in violation of H&S Code §11351, 11352, 11358, 11378, 11378.5, 11379, 11379.5 or 11383 .

In applying the major narcotic selection criteria set forth above:

A district attorney may, consistent with the provisions of subdivision (d) of PC §13881, elect to limit drug prosecution efforts to persons arrested for any one or more of the felonies listed in subdivision (a) if crime statistics demonstrate that the incidence of that felony or felonies presents a particularly serious problem in the county.

### **b. Prosecution Discretion**

In exercising the prosecutorial discretion granted by this section, the District Attorney shall consider the character, background, and prior criminal background of the defendant and the number and the seriousness of the offenses currently charged against the defendant.

Projects choosing this component must ensure cases screened and prosecuted **must be felonies** as described in specific sections of the California H&S Code.

All criteria shall be adhered to **unless**, in the reasonable exercise of the prosecutor's discretion, **extraordinary circumstances require the departure from those policies** in order to promote the general purposes and intent of this component. This departure then must be described in writing in locally established policies.

## 5. **SRVP Component**

The goal of the SRVP Program is to increase vertical prosecution of adults having sexual intercourse with minors. Services are directed toward child victims under the age of 18, and when appropriate, to their families.

The service mandated by the SRVP Program is to vertically prosecute cases of unlawful sexual intercourse as defined under PC §261.5. Vertical prosecution has been shown to improve conviction rates, reduce trauma to victims, and provide more consistent, appropriate sentencing.

### a. **Subject of SRVP Efforts**

Cases approved for appropriate filing are: prosecution of statutory rape – unlawful sexual intercourse with a minor; attempted statutory rape; a violation of probation involving a SRVP charge; and/or any activity that constitutes grooming of the victim for an eventual act of unlawful sexual intercourse and sexual assault cases in accordance with the intent of halting the exploitation of youth victims. Cases prosecuted under the SRVP Program are **not** required to involve live or stillborn births, abortions, miscarriages, or pregnancy, although a SRVP project may elect to target these incidents.

Projects may focus resources on cases resulting in the most significant impact on the victim or society, (e.g., statutory rapist/fathers); cases resulting in multiple births; cases involving gang rituals; cases involving acquaintance rape; cases involving minors with physical or mental disability; cases involving prostitution/pimping; and cases involving alcohol or other drugs, including drug-exposed infants.

Cases appropriate for prosecution under the SRVP Program may involve female minors and male adult defendants, same sex minors and defendants, or adult female defendants engaging in unlawful sexual intercourse with minor males.

Investigation is encouraged by District Attorney's Offices to strengthen evidence in support of vertical prosecution of violation of appropriate crimes under the SRVP Program. Projects may budget part-time or full-time highly qualified investigators to provide these services in cases referred to the SRVP project unit.

### b. **Prosecution Discretion**

The intent of the SRVP Program is to vertically prosecute adult offenders engaging in unlawful sexual intercourse as defined under PC §261.5. It is **not** the intent of the SRVP Program to subsidize prosecution of these cases for forcible rape or child molestation cases.

Misdemeanor vertical prosecution by project-funded staff **is allowable** in addition to, but **not in lieu of**, vertical prosecution of appropriate felony cases.

SRVP projects may, but are not required to, submit sentencing recommendations to the court that include a range of requirements for the defendant to be held accountable for his or her criminal actions. Examples of sentencing recommendations include, but are not limited to: five year felony probation, incarceration, registration pursuant to PC §290; restitution to be paid to the victim for damages incurred as a result of the crime; restitution to reimburse for counseling, medical, or relocation; restitution to the police for the cost of a forensic medical examination; or ordering defendant to cooperate with

the Family Support Division by admitting paternity, stipulating to a support order, and participating in parenting classes.

**c. Coordination**

Victim services may be provided to minor victims and their families in cases accepted by the SRVP project unit. Projects may budget part-time or full-time victim advocate positions to provide these services to victims in cases prosecuted by SRVP project prosecutors. Such positions must be coordinated with the local Victim/Witness Assistance Center.

SRVP project-funded victim advocate services must support the prosecution effort. If an advocate position is not funded, all victims must be referred to a victim advocate, which includes a victim/witness advocate by definition per PC §679.04, which states all victims have a right to have an advocate and support person present during all stages of the proceedings.

To increase referrals of PC §261.5 cases for filing, projects should establish a collaborative relationship with local law enforcement, which includes a referral system, a system for exchange of information including updates in the law, and technical support for local law enforcement.

Presentations addressing statutory rape incidence and impact, related laws, and local SRVP project services are allowable. The intent of these presentations must be to increase referrals, strengthen service linkages, or reduce public misconceptions for the ultimate purpose of strengthening SRVP prosecution efforts. There are no restrictions on target audiences. Education and prevention programs (i.e., sex education and birth control, etc.) are not allowable.

**G. PREPARING AN APPLICATION**

The Table of contents includes a link to an Application Cover Sheet. Please complete the Application Cover Sheet and attach it to the front of the application.

Please provide the nine required application components in the order listed below:

- Application Cover Sheet;
- Grant Award Face Sheet (OES A301);
- Project Contact Information;
- Certification of Assurance of Compliance;
- Signature Authorization and Instructions;
- Project Narrative;
- Budget Narrative and the Project Budget (OES A303a-c);
- Project Service Information; and
- Application Appendix (refer to Part II, C.).



**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**VERTICAL PROSECUTION (VP) BLOCK GRANT PROGRAM  
REQUEST FOR APPLICATION**

**PART II – INSTRUCTIONS**

The instructions in this section correspond to each of the application components and to the forms required to complete the application.

The applicant must use the forms provided in “Forms” ([FORMS](#)) and plain 8½” x 11” white paper for the application. The blank Project and Budget Narrative pages on the website have been pre-formatted to OES standards. If you create your own computer-generated Project and Budget pages, the format must duplicate the OES pre-formatted pages.

Copies of the application must be assembled separately and individually fastened in the upper left corner. ***Do not bind application.***

**A. PROJECT NARRATIVE**

The project narrative is the main body of information describing the problem to be addressed, the plan to address the problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the plan.

**1. Problem Statement**

This section addresses the problem and the need for services offered by the Vertical Prosecution Block Program. The following outlines the items which must be addressed in the Problem Statement; this information must be provided in narrative form:

***Provide a community profile of the service area which justifies the need for vertical prosecution of one or more of the five program components, describing the following:***

**For all projects:**

- the geographic size and location;
- the population size;
- weakness of the current resources that may be enhanced by the project; and
- collaborative efforts in the county to combat the problem.

**Plus**

**CAVP:**

- The prevalence of and types of child abuse, including children with disabilities, sexual abuse, physical abuse, neglect, children whose lives are victimized by parental substance abuse, and high tech crimes against children.

**CCP:**

- Describe the problem of identifying, investigating, and prosecuting career criminals.



**EAVP:**

- Describe the problem of elder and dependent adult abuse to be addressed by the project; and
- Describe the elder and dependent adult population in the county.

**MNVP:**

- Describe the problems associated with prosecuting major narcotic vendors in the county, (e.g., cultivation, processing, manufacturing, distribution, trafficking, and sales); and
- Provide statistical information that supports a **significant increase** in major narcotic vendor cases in the county.

**SRVP:**

- Describe the problem of identifying, investigating, and prosecuting crimes of unlawful sexual intercourse with a minor.

**2. Plan and Implementation**

**Plan:** This section addresses the applicant's plan to prosecute cases in the applicant's service area.

**a. Enhanced Prosecution**

- Describe the process in which cases are referred to the unit, including the source of referrals.
- Describe the project's strategies to develop linkages to increase the number of cases referred.
- Describe how the applicant will implement vertical prosecution within the unit.
- Describe how the project will ensure all victims are referred to appropriate victim service agencies. All referrals will be initiated in writing within seven days of charging the case, or receiving the case into the unit, whichever comes first.
- Describe how the project will maintain close contact with the victim (or family/guardian).

**b. Highly Qualified Staff**

- Describe the experience and training of all project staff.

**c. Average Caseload**

- Provide the average caseload for felony prosecutors and investigators in non-vertical prosecution efforts in 2007.
- Describe how the applicant will calculate the average caseload for project investigators and prosecutors.

**Implementation: Objectives and Activities**

In this section, the applicant should describe and explain the project's plan to address each of the three mandated objectives. For each objective, provide a quantified estimate of the services to be provided (use a whole number only, does not use, for example, "between 5-

20"). Also provide a brief overview of the manner in which these objectives will be achieved, including the activities to be performed to support services.

- Be reasonable to achieve within the third year of operation.
- Show sufficient staff to achieve the stated objective and activities.
- Describe the source documentation collected and maintained to measure results.
- Demonstrate proof of successful objective measurement (source documentation is defined as records used to validate project activities and achievements as they pertain to the objectives' outlines, e.g., intake logs, client files, progress notes, attendance rosters, sign-in sheets, etc.).

### **Objective 1: Cases Accepted**

This objective refers to the number of referred cases, which will be accepted by the unit.

For each program component you choose to implement, provide the number of cases referred and accepted.

The estimated number of cases to be referred to the unit is \_\_\_\_\_.

The estimated number of cases to be accepted by the unit is \_\_\_\_\_.

Describe the source documentation to be used to collect and report data on each objective. Source documentation may include case files, client contact sheets, telephone logs, progress files and other related documents.

### **Objective 2: Vertical Prosecution**

This objective refers to the percent of defendants who will be vertically prosecuted by the unit under true vertical prosecution, major stage prosecution, or unit vertical prosecution.

For each program component you choose to implement, provide the percent of defendants who will be vertically prosecuted using the following methods.

Prosecute \_\_\_\_\_% of defendants using True Vertical Prosecution.

Prosecute \_\_\_\_\_% of defendants using Major Stages Vertical Prosecution.

Prosecute \_\_\_\_\_% of defendants using Unit Vertical Prosecution.

Describe the source documentation to be used to collect and report data on each objective. Source documentation may include case files, client contact sheets, telephone logs, progress files and other related documents.

### **Objective 3: Average Caseload**

This objective refers to the estimated average caseload per year for investigators and prosecutors.

For each program component you choose to implement, provide the average caseload of vertical and non-vertical prosecutors and investigators.

The estimated average caseload per year for the investigator is \_\_\_\_\_.

The estimated average caseload per year for non-vertical prosecution investigators is \_\_\_\_\_.

The estimated average caseload per year for the prosecutor is \_\_\_\_\_.

The estimated average caseload per year for non-vertical prosecution prosecutors is \_\_\_\_\_.

Describe the source documentation to be used to collect and report data on each objective. Source documentation may include case files, client contact sheets, telephone logs, progress files, and other related documents.

## **B. PROJECT BUDGET**

The purpose of the project budget is to demonstrate how the applicant will implement the proposed plan with the funds available through this program. Project costs must be directly related to the objectives and activities of the project. The budget must cover the entire grant period. In the budget, include **only** those items covered by grant funds, including match funds when applicable. The applicant may supplement grant funds with funds from other sources. However, since approved line items are subject to audit, the applicant should not include in the project budget matching funds (if applicable) in excess of the required match. Budgets are subject to OES modifications and approval.

OES requires the applicant to develop a **line item** budget which will enable the project to meet the intent and requirements of the program, ensure the successful and cost effective implementation of the project. Failure of the applicant to include required items in the budget does not eliminate responsibility to comply with those requirements during the implementation of the project. The applicant should refer to the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov). Select "*Recipient Handbooks*" for additional information concerning OES budget policy or to determine if specific proposed expenses are allowable. Contact the person listed on page 1-subsection B of this RFA should you have additional budget questions.

### **1. Budget Narrative**

The applicant is required to submit a narrative with the project budget. The narrative must be typed and placed in the application in front of the budget pages. In the narrative describe:

- How the applicant's proposed budget supports the objectives and activities.
- How funds are allocated to minimize administrative costs and support direct services.
- The duties of project-funded staff, including qualifications or education level necessary for the job assignment. This does not take the place of the brief justification required in the line item budget.
- How project-funded staff duties and time commitments support the proposed objectives and activities.
- Proposed staff commitment/percentage of time to other efforts, in addition to this project.
- The necessity for subcontracts and unusual expenditures.
- Mid-year salary range adjustments.

## 2. **Specific Budget Categories**

There is an Excel Workbook in “Forms” ([FORMS](#)) with spreadsheets for each of the following three budget categories:

- Personal Services – Employee Salaries/Benefits;
- Operating Expenses; and
- Equipment.

The left column of each budget category on the Spreadsheet requires line item detail including the calculation and justification for the expense. Enter the amount of each line item and match in the correct column of the Budget Category form. The spreadsheet will add each addition and round off the nearest whole dollar. You may add extra rows if necessary, the spreadsheets total at the end of each budget category and total the three spreadsheets at the bottom of the last page (Equipment). The total of the budget including each funding source and/or match amount must correspond to the amount of the Total Project Cost (Block 10G) on the Grant Award Face Sheet.

The bottom of the Equipment Category form contains a format for identifying the project total and fund distribution. This section must be completed and submitted even if there are no line items identified in the equipment category.

### **a. Personal Services – Salaries/Employee Benefits (OES A303a):**

#### **1) Salaries**

Personal services include services performed by project staff directly employed by the applicant and must be identified by position and percentage of salaries. These may be salaried or hourly, full-time or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must be budgeted as salaries. If the applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take time off using project funds. Salaries for staff not directly employed by the applicant must be shown as participating staff (see *Recipient Handbook*, Section 4500) the Operational Expenses Category. Consultant services remain under Operating Expenses (refer to Part II, B.2.b. - Operating Expenses - paragraph two.)

#### **2) Benefits**

Employee benefits must be identified by type and percentage of salaries. The applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues, are allowable budget items if negotiated as a part of an employee benefit package.

A line item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

**b. Operating Expenses (OES A303b):**

Operating expenses are defined as necessary expenditures other than personal salaries, benefits, and equipment. Such expenses may include specific items directly charged to the project, and in some cases, when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (e.g., to further the program objectives as defined in the grant award), and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors, participating staff who are not employed by the applicant, travel, office supplies, training materials, research forms, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees, and other consumable items. Furniture and office equipment with an acquisition cost of less than \$5,000 per unit (including tax, installation, and freight) and/or with a useful life of less than one year fall within this category. Otherwise these fall under equipment expenses.

Salaries for staff not directly employed by the applicant must be shown as consultant and/or participating staff costs (whichever is applicable per *Recipient Handbook* Sections 3710 and 4500) under the Operating Expenses category. These costs must be supported by an Operational Agreement (OA), which must be kept on file by the recipient and made available for review during an OES site visit, monitoring visit, or audit. In the case of grants being passed through a recipient to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses category.

**c. Equipment (OES A303c):**

Equipment is defined as nonexpendable tangible personal property having **a useful life of more than one year** and an acquisition cost of \$5,000 or more per unit (including tax, installation, and freight).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers must be one line item, not three).

**C. APPLICATION APPENDIX**

The Application Appendix provides OES with additional information from the applicant to support components of the application. The following must be included:

- Operational Agreements: *OAs must contain original signatures, titles, and agency names for both parties and include dates effective for the proposed grant period.* This document must demonstrate a formal system of networking and coordination with other agencies and the applicant. A sample OA is provided in “Forms” ([FORMS](#)).
- Project Summary
- Out of State Travel Request, OES 700
- Project Service Area Information
- Computer and Automated Systems Purchase Justification Guidelines

## FUNDING ALLOCATION

<b>County</b>	<b>07/08 Funding Allocation</b>	<b>08/09 Funding Allocation</b>
<b>Alpine</b>	\$ 46,722	\$ 40,050
<b>Modoc</b>	\$ 89,538	\$ 80,584
<b>Mono</b>	\$ 86,070	\$ 77,463
<b>San Benito</b>	\$ 36,913	\$ 33,221
<b>Trinity</b>	\$ 106,159	\$ 95,543
<b>Mariposa</b>	\$ 77,123	\$ 69,410
<b>Inyo</b>	\$ 65,000	\$ 58,500
<b>Colusa</b>	\$ 117,345	\$ 105,610
<b>Plumas</b>	\$ 99,057	\$ 89,151
<b>Glenn</b>	\$ 98,867	\$ 88,980
<b>Del Norte</b>	\$ 105,699	\$ 95,129
<b>Lassen</b>	\$ 99,057	\$ 89,151
<b>Amador</b>	\$ 125,041	\$ 112,537
<b>Calaveras</b>	\$ 99,057	\$ 89,151
<b>Siskiyou</b>	\$ 99,057	\$ 89,151
<b>Tuolumne</b>	\$ 122,139	\$ 109,925
<b>Tehama</b>	\$ 99,057	\$ 88,980
<b>Lake</b>	\$ 276,035	\$ 248,432
<b>Yuba</b>	\$ 169,501	\$ 152,551

<b>Sutter</b>	\$ 122,067	\$ 109,860
<b>Mendocino</b>	\$ 99,057	\$ 89,151
<b>Nevada</b>	\$ 104,033	\$ 93,630
<b>Humboldt</b>	\$ 146,981	\$ 132,283
<b>Napa</b>	\$ 125,041	\$ 112,537
<b>Madera</b>	\$ 99,057	\$ 89,151
<b>Kings</b>	\$ 146,981	\$ 132,283
<b>Imperial</b>	\$ 275,809	\$ 248,228
<b>El Dorado</b>	\$ 146,981	\$ 132,283
<b>Shasta</b>	\$ 301,049	\$ 270,944
<b>Yolo</b>	\$ 301,205	\$ 271,085
<b>Butte</b>	\$ 146,981	\$ 132,283
<b>Merced</b>	\$ 269,303	\$ 242,373
<b>Marin</b>	\$ 99,057	\$ 89,151
<b>Santa Cruz</b>	\$ 122,061	\$ 109,855
<b>San Luis Obispo</b>	\$ 146,981	\$ 132,283
<b>Placer</b>	\$ 179,461	\$ 161,515
<b>Tulare</b>	\$ 494,413	\$ 444,972
<b>Santa Barbara</b>	\$ 146,981	\$ 132,283
<b>Solano</b>	\$ 444,519	\$ 400,067
<b>Monterey</b>	\$ 351,435	\$ 316,292
<b>Sonoma</b>	\$ 316,079	\$ 284,471

<b>Stanislaus</b>	<b>\$ 350,213</b>	<b>\$ 315,192</b>
<b>San Joaquin</b>	<b>\$ 549,315</b>	<b>\$ 494,384</b>
<b>San Mateo</b>	<b>\$ 146,981</b>	<b>\$ 132,283</b>
<b>Kern</b>	<b>\$ 493,355</b>	<b>\$ 444,020</b>
<b>San Francisco</b>	<b>\$ 550,353</b>	<b>\$ 495,318</b>
<b>Ventura</b>	<b>\$ 181,363</b>	<b>\$ 163,227</b>
<b>Fresno</b>	<b>\$ 385,491</b>	<b>\$ 346,942</b>
<b>Contra Costa</b>	<b>\$ 523,433</b>	<b>\$ 471,090</b>
<b>Sacramento</b>	<b>\$ 560,263</b>	<b>\$ 504,237</b>
<b>Alameda</b>	<b>\$ 807,895</b>	<b>\$ 727,106</b>
<b>Santa Clara</b>	<b>\$ 436,083</b>	<b>\$ 392,475</b>
<b>Riverside</b>	<b>\$ 740,673</b>	<b>\$ 666,606</b>
<b>San Bernardino</b>	<b>\$ 812,611</b>	<b>\$ 731,350</b>
<b>San Diego</b>	<b>\$ 830,009</b>	<b>\$ 747,008</b>
<b>Orange</b>	<b>\$ 798,379</b>	<b>\$ 718,541</b>
<b>Los Angeles</b>	<b>\$ 1,376,614</b>	<b>\$ 1,238,953</b>
<b>Sierra</b>	<b>\$ 30,000</b>	<b>\$ 29,169</b>
<b>TOTAL</b>	<b>\$ 16,176,000</b>	<b>\$ 14,558,400</b>



## VERTICAL PROSECUTION BLOCK GRANT PROGRAM REQUEST FOR APPLICATION

### **PART III – ADDITIONAL INFORMATION**

The applicant is strongly encouraged to review the following sections in preparing the application.

- A. Finalizing the Grant Award Agreement
- B. Administrative Requirements
- C. Budget Policy
- D. Glossary of Terms

#### **A. FINALIZING THE GRANT AWARD AGREEMENT**

##### **1. Standard Project Funding Authority**

**Allocation of funds is contingent on the enactment of the State Budget.** OES does not have the authority to disburse funds until the budget is passed and the Grant Award Agreement is fully executed. Expenditures incurred prior to authorization are made at the project's own risk and may be disallowed. When the executed grant is received, and the State Budget is finalized, authorized expenditure reports may be submitted for reimbursement of expenditures incurred subsequent to the effective date of the grant award agreement.

If, during the term of the grant award, the state and/or federal funds appropriated for the purposes of the grant award are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, OES may immediately terminate or reduce the grant award by written notice to the recipient. However, no such termination or reduction shall apply to allowable costs already incurred by the recipient to the extent state or federal funds are available for payment of such costs.

OES Grant Award Agreements are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to execution of the Grant Award Agreement.

##### **2. Processing Grant Awards**

###### **a. Grant Award Conditions**

OES may add one or more grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, they will be discussed with the applicant and a copy of the conditions will be sent to the grant recipient when the conditions are made part of the Grant Award Agreement. Grant award conditions may include requirements for sole source justification, a computer feasibility study, or other requirements deemed necessary by OES.

###### **b. Grant Award Agreements**

A copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director. The recipient is not authorized to incur costs against the grant until a copy of the fully executed Grant Award Agreement is received. When the

executed grant is received and the State Budget is finalized, the Report of Expenditures and Request for Funds (OES 201) may be submitted for reimbursement.

**c. Grant Award Amounts**

When the amount of funds available is limited, OES may reduce the amount of the grant award from the amount requested by the applicant. In addition, OES reserves the right to negotiate budgetary changes with the applicant prior to executing the Grant Award Agreement. If either of these actions is required, OES will notify the applicant prior to executing the Grant Award Agreement.

**B. ADMINISTRATIVE REQUIREMENTS**

**1. The Recipient Handbook (RH)**

The *Recipient Handbook* is accessible on the OES Internet website at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting "*Recipient Handbooks*." The *Recipient Handbook* contains administrative information and requirements necessary to implement the project. Recipients must administer their grants in accordance with the *Recipient Handbook* requirements. Failure to comply with these requirements can result in the withholding or termination of the grant award.

The information below may be cross referenced with the *Recipient Handbook* (RH) by referencing the handbook section number.

**2. Internet Access (RH 11500)**

Funded projects are required to maintain Internet access with an established e-mail address. Grant funds may be used for this purpose unless specifically prohibited by the terms of the program.

**3. Progress Reports and Data Collection (RH 10100)**

Funded projects are required to participate in data collection and to submit progress reports required by the program. Projects are required to keep accurate records to document the information reported in the progress reports. The records must be kept by the project for a period of three years. During site/monitoring visits, OES will review these records for accuracy and compare them with the reported data submitted on the progress reports.

**4. Monthly/Quarterly Report of Expenditures and Request for Funds (OES 201) (RH 6300)**

Community-based organizations shall submit a monthly Report of Expenditures and Request for Funds (OES 201) unless they request a quarterly reporting period. Government and education agencies receiving funds will be required to report on a quarterly basis. This form is due within 30 calendar days of the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting the form OES 201 will result in the withholding of funds and may result in the recommendation to OES' Executive Director for termination of the grant award.

**5. Technical Assistance/Site Visits (RH 10300)**

Funding projects are assigned an OES program specialist to oversee the progress of the project in achieving its goals, objectives and compliance with the Grant Award Agreement. Program specialists are available to assist the project in the successful implementation of

the project and in meeting the administrative requirements of the Grant Award Agreement. New projects should expect a site visit from the assigned program specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically throughout the life of the grant. Projects may request a site visit to obtain technical assistance.

**6. Monitoring Requirements (RH 10400)**

A monitoring visit is an onsite assessment by OES staff to determine if the project is in compliance with the terms of the program, the Grant Award Agreement, the Program Guidelines, the RFA/RFP, and the *Recipient Handbook*. Projects will be monitored on a random or as-needed basis.

**7. Audit Requirements (RH 8100)**

Recipients must arrange for an independent audit of the grant award and may budget a portion of the audit costs. Instructions for budgeting funds for audit costs are outlined in the *RH* Section 2234.

**8. Copyrights, Rights in Data, and Patents (RH 5300)**

OES owns rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Award Agreement. These ownership rights are detailed in the *Recipient Handbook*.

**9. Source Documentation (RH 10111)**

Recipients are required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements as pertaining to the objectives outlined in the Grant Award Agreement. Recipients are to retain source documentation for progress reports on a quarterly basis regardless of submission requirements. Requirements and definitions for program specific source documentation are delineated in the terms of the program. Recipients will be required to have written job descriptions on file for positions funded by OES detailing specific grant-related activities to achieve project objectives.

**C. BUDGET POLICY**

This document summarizes information on OES Budget Policy contained in the *Recipient Handbook*. Additional information may be obtained by accessing the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting “*Recipient Handbooks*.”

**1. Supplanting Prohibited (RH 1313)**

Grant funds must be used to supplement existing funds for program activities and ***not replace*** funds appropriated for the same purpose. A written certification must be provided to OES indicating the grant funds will not be used to supplant existing funds. Supplanting will be the subject of application review, post-award monitoring, and audit. The rules on supplanting are found in Section 1313 of the *Recipient Handbook*.

**2. Contracts and Procurement (RH 3400)**

A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored. Noncompetitive bid request approval by OES program staff is required prior to the purchase of equipment in excess of

\$5,000, or to hire a specific consultant charging over \$5,000. Local units of government may use their approved procurement policy except for contracts over \$50,000, which requires prior OES approval. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the project budget, a noncompetitive bid request will be required. OES will provide assistance in submitting a noncompetitive bid request if OES determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an Operational Agreement (see Section 4500, *Recipient Handbook*).

### **3. Travel Policies**

The following is OES' current travel policy:

#### **a. Selection of Travel Policy (RH 2236)**

The applicant may prepare the budget using its own travel policy or the state travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

##### **1) Units of Government**

Units of government may use their own written travel policy or the state policy.

##### **2) Community-Based Organizations (CBO)**

A community-based organization may use the state travel policy or the applicant's written policy up to the maximum rates allowed by the state travel policy.

#### **b. State Travel Policy (RH 2236.2)**

Use the following state travel policy for budgeting travel expenses:

##### **1) Out-of-State Travel**

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for OES approval.

##### **2) Mileage**

When a privately owned vehicle is utilized on project-related business, a maximum of 50.5 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the application.

##### **3) Meals and Incidentals**

###### **a) Breakfast \$6.00**

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

b) Lunch \$10.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner \$18.00

Dinner may be claimed if the trip begins at or before 4:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals \$6.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

Total is \$40.00 for a 24-hour period.

4) Lodging

The maximum allowed lodging rate is \$84.00, plus applicable taxes (except as noted below). Lodging receipts are required for reimbursement.

5) Special Lodging Rates

The maximum allowed lodging rate in Los Angeles and San Diego counties is \$110, plus applicable taxes. The maximum for Alameda, San Francisco, San Mateo, and Santa Clara counties is \$140, plus applicable taxes.

6) Other

Taxi, airport shuttle, etc. which exceed \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

**4. Participating Staff**

The term “participating staff” refers to salaried employees of a participating agency assigned to work with the recipient on the implementation of project. The agreement between the recipient and the participating agency concerning participating staff must be reflected in the OA. Grant related costs associated with participating staff must be itemized in the operating expenses category of the grant budgets.

**5. Consultant Services (RH 3710)**

Consultant services are provided on a contractual basis by individuals or organizations not direct employees of the applicant (see *Personal Services – Salaries*). Independent contractors must not be used in lieu of employees. Independent contractors are defined as individuals or organizations meeting some or all of the following criteria:

- produce a specific product or service;
- work independently without direct supervision from the applicant;

- work on specific projects;
- provide services for a limited number of hours or period of time; and/or,
- have no agency management or oversight responsibilities directed toward the financial success or direction of the agency.

**a. Rates**

The maximum rate for independent contractors is \$250 per hour (excluding travel and subsistence costs). A request for compensation for over \$250 per hour requires **prior approval** and additional justification.

1) Independent Contractors Employed by State and Local Government

Compensation for independent contractors will be allowed when the unit of government can not provide services without this cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

**b. Expert Witness Fees (RH 3710.2)**

Projects, which routinely utilize “expert witnesses” as independent contractors to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the jurisdiction is required to cover. The maximum allowable rate for witness fees is \$250 per hour up to \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent (10%) of the project’s total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- qualifications, training, and experience of the expert(s). Include a statement regarding recognition by the court of the individual as an expert;
- specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT), Medical Doctor (MD)];
- rate of pay per hour, including documentation of a survey of the availability of similar consultants, the current “going rate,” and the proposed rate of pay with a cost breakdown if expert is paid according to services (e.g., mileage, waiting time, court testimony);
- proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation);
- justification for why this cost cannot be paid with county funds (attach the justification to OES A303b).

**6. Facility Rental (RH 2232)**

Up to \$21 per square foot annually (\$1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit and should not be submitted with the application.

**a. Rental Space for Training and Counseling Rooms**

Rental space for training and individual and/or group counseling rooms may also be charged to the grant providing the charge is based on actual costs and not reimbursed by other source.

**7. Rented or Leased Equipment (RH 2233)**

An explanation and cost analysis is required when equipment rented or leased. This analysis must demonstrate it is more cost-effective to rent or lease the equipment than it is to purchase it, and must be approved by OES prior to the execution of a rental or lease agreement.

**8. Indirect Costs/Administrative Overhead (RH 2220)**

Indirect costs are those not readily itemized or assignable to a particular project, but necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs. Flat rates not exceeding ten percent (10%) of personnel salaries (excluding benefits and overtime) or five percent (5%) of total direct project costs (excluding equipment) may be budgeted by the applicant for indirect costs if allowable by the funding source.

**9. Audits (RH 8150)**

OES projects expending \$25,000 or more of OES grant awards are required to complete and audit. The project may budget for the cost of obtaining a financial audit. Allowable audit costs are as follows:

- if the total amount of the grant is less than or equal to \$150,000, the project may budget up to \$2,000 for the financial audit cost; or
- if the total amount of the grant is greater than \$150,000, the project may budget up to one and a half percent (1.5%) of the total grant for financial audit costs.

**10. Equipment (RH 2300)**

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (including tax, installation and freight).

A line item is required for each different type of equipment, but not for each specific piece of equipment (e.g., three laser jet printers should be one line item, not three).

**a. Allowable Expenses**

Equipment may be budgeted if it is essential to the implementation of the project and to be used solely for project activities. Grant funds may not be used to reimburse the project for equipment already purchased.

Rented or leased equipment must be budgeted as an Operating Expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is requested, the project will be required to submit justification, including cost-effectiveness. Prior approval by OES is required.



**b. Computers (RH 2340)**

1) Community-Based Organization (RH 2242.1)

Community-based organization may budget up to \$25,000 in computer equipment, software, and related costs. OES will evaluate the proposed purchase on the basis of grant-related need. Prior approval by OES is required. The Recipient will be sent instructions for preparing the justification.

2) Units of Government (RH 2342.2)

Units of government may budget for computer equipment, software, and related costs. OES will evaluate the proposed purchase on the basis of grant-related need. OES must give approval prior to purchase. If federal grant funds totaling in excess of \$100,000 are used for automated data processing purchases, prior federal approval is also required. The Recipient will be sent instructions for preparing the justification.

3) Computer Purchase Justification (RH 2341)

Approval for purchases of computers and automated equipment is contingent on the applicant's ability to demonstrate cost-effective, project-related need which is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. The Recipient will be sent instructions for preparing the justification.

**c. Automobiles (RH 2331)**

Automobiles are not allowable items unless permitted by the terms of the program. If an automobile is included in the budget, substantial justification demonstrating the grant-related need will be required before finalization of the Grant Award Agreement. The justification must describe the need for the automobile, including the size of service area, the need to provide direct service away from the office, and the reason why the agency will not allow personal automobiles usage during work hours. A cost analysis for automobile purchase as compared to other options including lease and personal automobile use and mileage, must be done and kept on file for review by OES's program staff during a site visit, monitoring visit, and/or audit.

**11. Prohibited Expense Items (RH 2240)**

**a. Lobbying (RH 2242)**

Refer to RH 2242.1 for an extensive list of prohibited activities.

**b. Fundraising (RH 2243)**

OES grant funds cannot be used for organized fundraising including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.



**c. Real Property and Improvements (RH 2244)**

Real property including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless authorized in the RFA instructions.

**d. Interest (RH 2245)**

The cost of interest payments is not an allowable expenditure unless the cost is a result of a lease/purchase agreement.

**e. Food and Beverages (RH 2246)**

The cost of food and/or beverages at grant-sponsored conferences, meetings, or office functions is not an allowable expenditure.

**f. Weapons and Ammunition (RH 2247)**

The cost of weapons and/or ammunition of any type are not an allowable expenditures unless they are part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

**g. Membership Dues (RH 2248)**

The cost of membership dues for the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFA instructions.

**h. Professional License (RH 2248)**

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFA instructions.

**i. Annual Professional Dues or Fees (RH 2248)**

The cost of professional dues or fees are not allowable expenditures unless it is part of a governmental negotiated benefit package or are specifically authorized in the RFA instructions.

**j. Charges, Fees and Penalties (RH 2245)**

Finance charges, late payment fees, penalties, and returned check charges are not allowable expenditures.

**k. Depreciation (RH 2249)**

Equipment costs may not include additional costs calculated for depreciation

## GLOSSARY OF TERMS

TERM	DEFINITION
Activity	The specific steps or actions that a project takes to achieve a measurable objective.
Administrative Agency or Recipient	The agency or organization designated on the Grant Award Face Sheet who is the programmatic Recipient of the grant funds and will accomplish the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, Fairfield Youth Services Bureau). The Recipient was formerly referred to as the “Grantee”.
Application	Once selected for funding, the original proposal plus any additional forms as required by OES becomes the application. This application, once signed by OES and the local government agency or organization authorized to accept grant funding, becomes the Grant Award/Grant Award Agreement.
CFR	Code of Federal Regulations
Community-based Organization (CBO)	A nonprofit, public benefit corporation.
Competitive Bid	A contract process used when all suppliers are equally or nearly equally qualified to provide the services.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan that analyzes the agency’s workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender.
EEOP Guidelines	Extensive description of state and federal civil rights requirements and what constitutes an EEOP (samples, forms, etc.). The document was prepared to assist Recipients in ensuring nondiscrimination and in the development, implementation, and/or improvement of their EEOP for compliance with the law.
Grant Award Agreement	The signed final agreement application between OES and the local government agency or organization authorized to accept grant funding. (See Application.)
Grant Funding Cycle	The number of years a program may be funded without competition. A funding cycle is typically three years.
Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA), which the project narrative, objectives, activities, and budget cover. The time period is usually one year, and is shown on the Grant Award Face Sheet (OES A301).

TERM	DEFINITION
Implementing Agency	The agency or organization designated on the Grant Award Face Sheet that is responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Monitoring Report Response Form	Form sent to the Recipient with the Monitoring report. The form is completed by the Recipient and returned to the OES Monitoring and Audit Branch indicating the Monitoring Report is accurate or inaccurate as of the date of the Monitoring.
Noncompetitive Bid (NB)	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. (Contracts sometimes include goods as well as services, and this definition will also apply to those circumstances.)
Nonprofit Organization (aka Community Based Organization)	<p>A nonprofit, public benefit corporation as defined in the federal regulation of 28 C.F.R. Part 38, Department of Justice. This modifies the need to be recognized by the Internal Revenue Service as a 501 (c) (3) for recipients of Faith-based Organizations. All organizations may qualify for nonprofit status using any one of the four following methods:</p> <p>(1) Proof that the Internal Revenue recognizes the applicant has the status of a 501 (c) (3).</p> <p>(2) A statement from a State taxing body or the State secretary of state certifying that (i) the Organization is a nonprofit organization operating within the State; and (ii) No part of its net earnings may lawfully benefit any private shareholder or individual:</p> <p>(3) A certified copy of the applicant's certificate of incorporation or similar document that clearly establishes the nonprofit status of the applicant; or</p> <p>(4) Any item described in (1) through (3) if that item applies to a State or national parent organization, together with a statement by the State of parent organization that the applicant is a local nonprofit affiliate.</p>
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.
On Site	Refers to the location of operation of the grant award recipient. If multiple sites exist, the site that provides the project recipients with program direction qualifies as the "on site location."

TERM	DEFINITION
Operational Agreement (OA)	A formal agreement between two or more agencies, which specifies the responsibilities of each agency in implementing the project. The term Operational Agreement also includes documents entitled Memorandum of Understanding, Letters of Intent, or other titles, but which serve the same purpose.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Participating Staff	A salaried employee of a Participating Agency
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of the criminal justice system or victim services and supported by a set appropriation from state or federal funding sources.
Project	The implementation of a Program by a Recipient. The project includes all of the grants implemented by the Recipient under that Program regardless of the year of implementation.
Proposal	The packet of forms and narrative as requested by the RFP and submitted to OES that specified the priorities, strategies, and objectives of the applicant.
Recipient Handbook	This handbook outlines the terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these administrative and fiscal conditions. The <i>Recipient Handbook</i> is accessible on the internet website at <a href="http://www.oes.ca.gov">www.oes.ca.gov</a> under “ <i>Recipient Handbooks</i> .” The <i>Recipient Handbook</i> was previously called the “ <i>Grantee Handbook</i> ”.
Request for Application (RFA)	The RFA is a noncompetitive process issued by OES to obtain applications from applicants previously selected for funding.
Request for Proposal (RFP)	The Request for Proposals is issued by OES to solicit competitive proposals in order to select projects for funding.
Single Source	This term has been replaced by the term "noncompetitive bid".
Sole Source	This term has been replaced by the term "noncompetitive bid".
Source Documentation	Records that validate project activities and achievements as they pertain to the objectives outlined in the Grant Award Agreement.

TERM	DEFINITION
Supplanting	To reduce federal, state, or local funds because of the existence of OES funds. Supplanting occurs when a Recipient deliberately replaces its non-OES funds with OES funds, thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], grant award agreement, OES policy statements, and applicable statutes. In the event the terms of the program are inconsistent with the provisions of this handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this handbook.
USC	United States Code